

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HARRY BIERLEY
Plaintiff,

vs.

JOANNE BARNHART,
Defendant.

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C.A. No. 05-07 Erie
District Judge McLaughlin
Magistrate Judge Baxter

ORDER

AND NOW, this 19th day of September, 2006;

IT IS HEREBY ORDERED that Plaintiff's motion to compel medical records [Document # 37] is dismissed without prejudice in that this case has been closed and is presently on appeal at the United States Court of Appeals for the Third Circuit.

SEAN J. MCLAUGHLIN
UNITED STATES DISTRICT JUDGE